

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,

Case No. 22-CR-0269 (PJS/DJF)

Plaintiff,

v.

ORDER

MAURRAE STEPHEN CRUTCHFIELD,

Defendant.

Joseph Scott Teirab, UNITED STATES ATTORNEY'S OFFICE, for plaintiff.

Lisa M. Lopez, FEDERAL DEFENDER'S OFFICE, for defendant.

Defendant Maurrae Crutchfield is charged with possessing a firearm as an unlawful user of a controlled substance in violation of 18 U.S.C. § 922(g)(3). This matter is before the Court on Crutchfield's objection to the September 22, 2023, Report and Recommendation ("R&R") of Magistrate Judge Dulce J. Foster. Judge Foster recommends denying Crutchfield's motion to dismiss the superseding indictment, which contends that § 922(g)(3) is (1) unconstitutional under *New York State Rifle & Pistol Association v. Bruen*, 142 S. Ct. 2111 (2022) and (2) unconstitutionally vague. The Court has conducted a de novo review. *See* 28 U.S.C. § 636(b)(1); Fed. R. Crim. P. 59(b)(3). Based on that review, the Court overrules Crutchfield's objection and adopts the R&R.

ORDER

Based on the foregoing, and on all of the files, records, and proceedings herein, the Court OVERRULES defendant's objection [ECF No. 67] and ADOPTS the R&R [ECF No. 66]. IT IS HEREBY ORDERED THAT:

1. Defendant's motion to dismiss the superseding indictment [ECF No. 59] is DENIED WITH PREJUDICE insofar as it raises a facial Second Amendment challenge to the constitutionality of 18 U.S.C. § 922(g)(3).
2. The motion is DENIED WITHOUT PREJUDICE in all other respects.

Dated: October 23, 2023

s/Patrick J. Schiltz

Patrick J. Schiltz, Chief Judge
United States District Court